IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:05CV389

PRECISION COMPONENTS, INC.,)	
Plaintiff,))	
vs.)	ORDER
C.W. BEARING USA, INC. and LIRONG HU,))	
Defendants.)))	

This matter is before the court upon the Plaintiff's response to the Court's Order of February 7, 2006 in which the court denied Plaintiff's Motion to Compel and directed the Plaintiff to respond to the court indicating how its motion to compel was substantially justified or what circumstances would make an award of expenses unjust. The court has reviewed the Plaintiff's response and voluminous attachments, many of which appear to be irrelevant to the issue at hand. The Plaintiff still fails to explain why it filed the Motion to Compel on November 15, after being notified by the Defendants on November 13 that they were willing to cooperate to resolve the discovery issues. Instead of attempting to resolve the issues, Plaintiff wrote a letter November 14 demanding that the documents requested be produced in a few hours or the motion to compel would be filed. The motion was filed the next day despite Defendants' response to the Plaintiff that it was impossible to gather the information in the few hours provided. Plaintiff could have saved everyone time and money by simply attempting to confer in good faith with the Defendants, as Defendants' correspondence indicates that were more than willing to do.

IT IS THEREFORE ORDERED that pursuant to Rule 37(a)(4)(B) of the Federal Rules of

Civil Procedure, Defendants are hereby awarded their expenses in responding to the Motion to Compel in the amount of \$861.00.

Signed: March 21, 2007

Graham C. Mullen United States District Judge